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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,609	08/05/2003	George Dale Grayson	IS-001	6607
25962 7590 12/01/2008 SLATER & MATSUI, L.L.P. 17950 PRESTON RD, SUITE 1000 DALLAS, TX 75252-5793				
EXAMINER				
SWEARINGEN, JEFFREY R				
ART UNIT		PAPER NUMBER		
2445				
MAIL DATE		DELIVERY MODE		
12/01/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/634,609

**Applicant(s)**

GRAYSON ET AL.

**Examiner**

Jeffrey R. Swearingen

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) 15-19 and 39-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 25-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-10 and 25-34 in the reply filed on 8/8/2008 is acknowledged.

### ***Response to Arguments***

2. Applicant requests identification of the client application, resources, scenes, assets, and asset bags. Applicant should revisit the claim language in claim 2, which clearly states that the resources include assets, asset bags, scenes, audio files, or graphics files. For claim 2, all that is required is the presence of a graphics file. Claim 1 uses an interface such as a Web-browser to request resources for a large payload file such as a movie. When the web page is opened on the client and downloads the web page interface, the *client receives a client application, the client application requiring a plurality of resources to execute*. Any resource required by the application is an *asset*.

3. Applicant argues that Sim failed to disclose *each of the resources having a version*. The resource manager in Sim keeps track of any updates to resources and the local content of the resource managers is updated in order to provide the most updated resources. Sim, column 33, lines 47-51., lines 61-67. The newest resources would be a version of the resources, since the old version is replaced in the resource manager with the new version.

4. Applicant argues that Sim failed to disclose *retrieving the subset of the resources by version*. The resource manager in Sim keeps up to date with the newest changes in resources. The resource manager only provides the most current version of the available resources, and this is the *retrieving the subset of the resources by version*.

5. Applicant argues that Sim failed to disclose *the scene defining the interaction between a plurality of objects simultaneously presented to a user and the client application being configured to interpret and execute the scene*. Applicant argues the definition of scene. Applicant's specification states a scene "define[s] the view that is to be presented to the user." Specification, [0068]. The scene in this case could be a movie. The movie would have a series of images and sounds. Images and sounds presented at the same time would be a plurality of objects simultaneously presented to a user. Alternatively, each

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pixel in each frame of a movie can be considered an object based on Applicant's lack of a clear definition of how Applicant defines "object" for the instant application.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-10 and 25-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Sim (US 6,970,939 B2).

8. In regard to claims 1, 25, Sim disclosed:

*receiving on the client a client application, the client application requiring a plurality of resources to execute;* Column 21, line 60 – column 22, line 11

*determining by the client a subset of the resources that the client application requires, each of the resources having a version;* column 22, lines 30-59

*retrieving the subset of the resources by version; and* column 32, lines 50-59

*performing the client application with the subset of resources to provide information.*

Column 32, lines 50-59

9. In regard to claims 2, 10, 26, 34, Sim disclosed:

*the resources include assets, asset bags, scenes, audio files, or graphics files.* Column 30, line 66

10. In regard to claims 3, 8, 27, 32, Sim disclosed:

*the client application is an interactive application.* Column 21, line 61 – Web browser

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11. In regard to claims 4, 28, Sim disclosed:

*retrieving the subset of assets from a peer client. Column 22, lines 30-59*

12. In regard to claims 5, 29, Sim disclosed:

*retrieving the subset of assets from an application server. Column 22, lines 30-59*

13. In regard to claims 6, 30, Sim disclosed:

*requesting the subset of resources from one or more peer clients; column 22, lines 30-59*

*determining a second subset of resources as the subset of resources that were not received from the one or more peer clients; and column 22, lines 30-59*

*requesting the second subset of resources from the application server. Column 22, lines 30-59*

14. In regard to claims 7, 31, Sim disclosed:

*receiving from an application server a client application and a scene, the scene defining the interaction between a plurality of objects simultaneously presented to a user and the client application being configured to interpret and execute the scene; column 21, lines 60 – column 22, line 11*

*determining a subset of the resources that the client application requires to perform the scene; column 22, lines 30-59*

*using the subset of resources on the client if the subset is available on the client; column 22, lines 30-59*

*loading the subset of resources from a second client if the subset is available on the second client; and column 22, lines 30-59*

*loading the subset of resources from the application server to the client if the subset is not available on the client or the second client. Column 22, lines 30-59*

15. In regard to claim 9, Sim disclosed:

*determining is performed by traversing an activity graph.* Column 22, line 32

**Conclusion**

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
17. Wipfel et al. US 6,338,112
18. Lumelsky et al. US 6,516,350
19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Donaghue can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey R. Swearingen  
Examiner  
Art Unit 2445

/J. R. S./  
Examiner, Art Unit 2445

/Larry D Donaghue/  
Primary Examiner, Art Unit 2454